1: Messing E-5 (1953-1954)1957 MP5 Amhara MP5

622 both the central government and the local church. Where
651 the land has not been officially measured, which is the usual case in old Amhara territory, the misiane must rely on him for information necessary to the assessment of taxes. The cheqa shum is expected also to supervise customs evasion
622 when caravans or smugglers move through his territory. He
692 mediates between landlord and tenant in their endless little disagreement. In fact, his activities resemble those of an Elizabethan "Justice of the Peace".

He decides local disputes, in civil cases; officiates at the most common type of marriage, the "semanya" (an agreement between two kinship groups); he reads out government proclamations and decrees of the emperor at the nearest rural market place, including the call to arms in case of war. He can also indict a criminal and bring him before the "danya" the judge of the nearest market town, or to the "judges on circuit" accompanying the governor on his annual inspection tour during the dry season. Usually the cheqa shum is
622 a local landlord himself, unless he has been given the post as a special favor for services rendered to the governor.

[701] Until the diminution of feudal privileges during the past decade, the cheqa shum was also responsible for providing the military-feudal chiefs and their troops with provisions when they were on march, making it unnecessary for
[485] them to depend on supply lines. Now that army troops receive regular salaries, he still has to play host to travelling officials for their personal needs, since there are no rural hotels. They do not pay him except by promises of future favors.

632 Contact with feudal land tenure was maintained
566 by requiring the "gultenna" of the district to come to town every three months, for a one-month statute labor, then called "wär tära", for the feudal lords now residing in town, if no war was in progress. Of course the actual labor was done largely by the "gabbar", but the gultenna was responsible. The domain of the feudal lord was called "gezat" (lit. acquisition, possession), and while this statute labor has now been abrogated, the term survives to mean "province".

632 The feudal chief of the province, imitating the
692 king, would "sit in judgment" in Solomonic grandeur, usually twice a week, under a broad, shade-giving sycamore, in front of his "palace". The latter could range from a spacious tent to a stone house of round design in the ancient style (or a Portuguese-type castle of the 17th century). Surrounded by courtiers and would-be courtiers, eager to proclaim the boundless wisdom of the lord, he would also appoint smaller judges, "danya", to hear more routine cases brought in from the countryside by the cheqa shum officials. The town thus became a place where even thesimplest peasant could, at least theoretically, seek relief from excessive opression.
625 The bodyguard of the lord of the town, commanded by a "shaläqa" (lit. chief over 1000 men), could detail his men for duty as "zebanya" watchmen, of specific spots, especially near the market, and this force thus formed a kind of city police.

000 Since the town attracted the most clever "däbtära",

accumulate in a lifetime. The present price is usually Eth$1000.-.

This practice is so strong that even at present a judge of a semi-modern court in Addis Ababa will suspend a prison sentence for involuntary manslaughter on condition that the murderer accumulate this sum and pay it to the victim's kinfolk--a wise decision preventing a new chain of murders. Recently a uniformed policeman in Addis Ababa, who was under this sentence for just that crime, made his tour among resident Europeans in the business district, begging money, with a letter in English explaining his need, signed by his own superior officer!

The absolute powers of the "ras" or "negus" in the past were limited only by the geographical boundaries of their effective military and administrative realms. All of them sat in judgment of their subjects, and combined legislative, judicial and executive powers in their persons. But each subject had the right to appeal directly to this highest authority against unjust treatment by a lower officer, provided he could throw himself in the path of the ruler and catch his attention. This right to "abyet" ("Hear me") continues to this day.

Nearly all "ras" and "negus" of the past maintained political prisons for their noble relatives who might become contenders to the throne. These prisons were not walled, but located on inaccessible mountain tops, "amba", and sometimes referred to as "wäheni". One such "wäheni" was located at a place called Geshan, in the old, smaller, Begemdir district, and was used by the kings of Gondar

681 master. Such verdicts were still carried out during the reign of Emperor Menelik II who died in 1913, though he tried to reduce the literal enforcement of the more draconic parts of the Code.

It is noteworthy that the application of the "Fetha Nägäst" was supposed to be based on the biblical principle of Luke, that punishment should be applied according to the knowledge of the offender, not according to the seriousness of the offense. This was reaffirmed in the Penal Code of 1930 (though in effect this new code abrogated much else of the Fetha Nägäst), as follows:

672 692 The following are degrees of relative culpability, in accordance with which degrees of punishment are to be determined on a declining scale:

The man who knows the law
the forgetful person (unstable personality)
the "balagär" (rustic peasant)
the (otherworldly) monk
the poor and ignorant person (illiterates)
the stranger
the ignorant woman
the imbecile or invalid
the Ethiopian from a non-Amharic-speaking province
the child below age 12.

The judge was also permitted and encouraged to take the emotional personality of the offender into consideration(without indicated scale) , such as:

The oppressive person
the lawless
the proud
the envious
the treacherous
the revengeful
the intemperate
the quarrelsome
the careless
the bullying

694 appearing regularly, early and late, for many days, bowing before him in "dāj tenat", call his attention to the injustice, whereupon he would usually order the negligent or wicked danya to produce the prisoner and to explain the evidence against him. But a prisoner without the protection of kinfolk or of priests of the church, who could intercede in this fashion, was in a helpless situation. This in part explains the cnntinuing emphasis on and power of kinship relationships and of the church, in all phases of life and social organization.

692 (5) The High Court of the central government, in Addis Ababa, combines the features of the traditional private court of the king, sometimes called "chelot" (Council), and of a modern Supreme Court. Nowadays, several of the judges are European jurists of considerable experience. Capital punishment cases, e.g. murder, slave trading, armed banditry, are heard before this court, since thr right to capital punishment has been taken from the "ras". This court is public or semi-public, and its decisions are often publicly announced. However, there is also a secret "Crown Council" (also called "chelot"), which convenes at the invitation and order of the emperor, usually on state matters affecting the monarchy, such as cases of treason.

693 and thus not a contender for the throne. He was the chief justice, for he could hear appeals even from the highest court in the land, and act as arbitrator and judge in high-level quarrels between feudal lords and even involving the king himself. His role as chief counselor of the king has now been taken by the "Tsahafi" (lit. scribe), who has risen to that position from that of long-time private secretary, at present Wolda-Giyorgis.

692 The present High Court has original and appellate jurisdiction over all cases in Ethiopia, criminal as well as civil. Majority opinion of the judges prevails. In 1942 a Supreme Imperial Court was appointed to hear appeals from the High Court, but it convenes only intermittently. A secret Crown Court is called together in special treason cases affecting the old nobility, or the officers of the new army.

671 177 A new Civil Law Code is still being worked out, by a series of European jurists invited for that purpose. Meanwhile new decrees are published intermittently in the official "Negarit Gazeta" (lit. the drum gazette), in both Amharic and English. The Attorney-General is a foreigner (for some time Mr. Nathan Marein), but the Minister of Justice, the Legislative Consultative Committee and the President of the High Court are Ethiopians, with a range of modern education from very little to average.

642 The Constitution of 1931, further liberalized in 1955, was a free-will gift of the Emperor. It established a Parliament of two houses, the upper directly appointed,

692 the lower indirectly appointed. No elections have been held; they have been postponed to the day when "education shall have been increased". In actual practice the monarchy thus remains absolute in function, and even legislation that is not directly urged by the emperor requires his signature and cannot be overridden.

563 (d) A problem of law that did not concern the old Amhara legislative authorities but that has become, though still dormant and in abeyance, a problem in recent years, is that of juridicial privileges of sectarian minorities, particularly Ethiopian Muslims.

In the past, Muslims lived there much as they did under the "Millet" system of Ottoman Turks, i.e. under their own religious jurisdiction in all internal affairs such as personal status, inheritance, marriage, divorce, endowments, etc. In Amhara areas, the Muslim ecclesiastical judge, the "Qadi" performs the functions of the "çheqa shum" and the "atbiya danya" judge for the Muslim population of his sector. He also heads their own school system of Quran schools, much as the Coptic priests head the local church schools.

563 692 There was no central Muslim organization, beyond this local structure. As part of modern centralization, the present emperor issued the "Qadi's Court Proclamation" in 1942 and 1944. It created a "Naibas" Council in Addis Ababa, to function as a traditional Muslim "Sharia" Court of Appeals above the local decisions of the Qadis. This structure, in turn, is supervised by the (Coptic) Minister of Justice of the central govern-

1: Messing E-5 (1953-1954)1957 MP5 Amhara MP5

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692 ment, who approves appointment to Sharia and Qadi positions.

5. Structure and Function of the Coptic Church among the Amhara.

795 The importance of the Coptic Church of Abyssinia on the life of every Amhara, of all classes, rural or urban, can hardly be exaggerated. To the Amhara, "Amhara" is synonymous with Abyssinian Christian; and the [198] liturgical language used in the church, "Geez", with "language of the free". The term used for their religion is "täwahedo", often shortened to "towado", meaning "orthodox".

To the Amhara, his church is so closely connected with his attitudes to his country, his nation, his ethnocentrism, that the severance of ties with the mother Coptic Church of Alexandria, in 1948, passed almost [779] unnoticed. Only church scholars are aware that, as part of the larger Coptic church, the break with the Western church occurred after the Council of Chalcedon in 451 A.D., ostensibly because the Copts insisted on complete fusion of the person of Christ, refusing to accept the "union, but not fusion of Deity and human spirit" of the non-Monophysite faith in the formula he pronounces when [788] slaughtering a sheep or ox: "In the name of the father, [224] the son, and the holy ghost, one divinity? The pious hunter will hasten to the wounded gazelle to pronounce the formula before the animal expires, then finish it off by cutting its throat

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578 Insults of category b) however, may be noisy, sound violent, involve much high-pitched repartee, with the adversaries screaming at each other. But since such individual insults are regarded as a "battle of wits", they rarely even lead to fisticuffs, though, to foreign observers, such encounters seem only a hair's breadth removed from serious bloodshed, and the adversaries seem to lean against each other physically (though now actually). For, even a severe insult is not regarded as a "fighting word", rather as an almost theatrical, almost ceremonial exchange. There may be much waving of a corner of a toga in the opponent's face, as in court. The exchange may end in mutual exhaustion, physically and nervously. The entertainment aspect is not lost on the onlookers, who thoroughly enjoy this and egg on the adversaries. Sometimes curbstone arbitrators ("astaraqi") are appointed to act as "peacemakers".

[554] A person of nobility is not supposed to engage in such public battles of insult, rather employs subtle means of implied antagonism. Even a commoner Amhara may imitate the indirect behavior pattern in a situation of antagonism, e.g. to indicate to a neighbor that he is not wanted, yet without letting the public know it (thus saving face for the neighbor). He may invite him, greet him politely, ask him to wait (standing) while stools "will be brought". When no stools are brought, after some time, the neighbor leaves, never to return. The proverb says:

[539] "So that he will not talk (against us), invite him;
(yet) so that he will not eat, move him about".

In this manner, polite antagonism is indicated, without making a public enemy.

5: Bruce T-5 (1768-1773) 1804
MP5 Amhara MP5

gre, drinks out of a golden cup, as keeper of the law at Axum. There are 12 nagareets in Tigre, and forty-four persons are invested with the Ras-werk. 644

Church affairs. The Abuna is appointed by proclamation of the king, and is deposed at his pleasure. He holds of no other person. He ordains priests and deacons within the kingdom, consecrates churches, altars (tabot), &c. His revevenue was once very considerable, esteemed one-third of the revenues of the kingdom; but as those princes, who made the grants, resided in Shoa, or in the south of Tigre, the principal lands are in those provinces, adjoining to the royal residence. Now, the southern provinces are all in the hands of the Galla, as well as part of Tigre, and the governor, or Ras, has assumed the rest; so that of 400 oz. of gold once paid by Tigre, the Abuna, in my time, got only twenty-five, one-third of which went to the king's wakeel in his house. The Abuna appoints no officer, civil, or ecclesiastical; the king, or governor, does all. The king appoints officers, called Alaka, who administer in all cases the revenue of churches and convents; and this person is the judge of differences and suits among the priests and monks of his church, or fraternity, from whom lies no appeal but to the King, or to the Ras, who is understood to represent him. This Alaka is, or is not, a monk, or priest, at the king's pleasure. Of those who are called monks, are the communities of Debra Libanos, or Azazo, as it is now called, Waldubba, Werkleva, Damo, Mahabar Selasse, &c. These live in villages in these places, and reside or not as they please. The rest of that name are those who are ordained on any illness, disappointment, or advanced in life. The monks are ordained by the Itchegue, the others by any ordinary priest. Neither take any vow. The women of Waldubba are of the first kind, and all women past pleasure compose the second. There are many instances of both orders renouncing and marrying. 793 794

All persons, as well ecclesiastical as civil, are subject to the same laws, judgment, and tribunal, without exception, be the cause of whatever nature it may be. The Abuna, or Itchegue, have none of them a tribunal, nor can they take cognizance of any cause; especially the Abuna, who has, as I have said, an officer in his house appointed by the king, who pu- 692

[p. 55]

5: Bruce T-5 (1768-1773) 1804
MP5 Amhara MP5

692 nishes all persons by that authority, even those of the Abuna's family, without any sort of deference paid to him; and this, as appears by the judges, or king's records, is of very ancient standing. The king calls an assembly of the clergy when he pleases, generally with the advice of the Abuna, and there is none considered legal if he is not present, if in the kingdom.

[682] Welled Hayrat (Ras Michael's son) was excommunicated for killing a refugee at the Abuna's feet, in consequence of which he confiscated the Abuna's villages in Tigre, nor was the curse ever taken off *. The Itchegue, or prior of the 693 monks, if he be chosen a lay-man, must be ordained by the 793 Abuna. He is named by the king, who nominates all superiors of monasteries. The Liku-cahanat, or chief of the priests, is ordained by the Abuna and Itchegue, who both hold a corner of a scarf put upon him. He is an inquisitor of morals among the priests, and has so much salt and cloth from each district. A priest at his ordination pays three salts to the Abuna. He comes to the house of the latter, enters, and kisses the threshold. The Abuna, sitting on a sofa at one end of the room, reads the Scriptures to himself. Then having paid his salt, the person retires and kisses the threshhold, returning without imposition of hands, or any ceremony. Old men are made priests, and young men deacons by a simple jussit. More probable accounts say, that there is only one salt paid, that the person stands at the door, while the Abuna, having made the sign of the cross, holding it in his hand, says, "I have ordained you a priest." The person then enters the room, kisses the cushion of the sofa, and retires. Many are ordained that can neither read nor write.

[764] The Abyssinians have an office for the dead; and worship 778 pictures of saints, even such as are not consecrated. This we had an opportunity of seeing, every time we were obliged to draw some Madonna. All those that saw it, kissed the 000 ground before it, with their foreheads on the earth. The

* The Abuna's house is a kind of sanctuary, in which criminals are protected from massacre, not from trial. They are sometimes tried there by the royal judges, or dragged from it to the tribunal.

[p. 56]

7: Perham S-4 (no date)1948
MP5 Amhara MP5

claimed with the provinces. It was at a lower level that his official hierarchy was, in theory, in continuous contact with the regional and hereditary element. The governors' deputies and their assistants in the still smaller districts might or might not be local men, but when we come to the heads of villages or groups of villages we find that the leader and representative of the people and the lowest agent of the Emperor and his governor were united in the person of the *chiqa-shum*.

This officer was universal in Tigré, Amhara, and most of Galla country though in the latter this title was not always used. Because of his close association with the customary agrarian societies there were local variations in his status and duties. In general character and importance, even though the analogy is not exact, the *chiqa-shum* occupied something like the position of the Elizabethan justice of the peace. In his office central and local authority met. He was responsible to the governor's district chief for the proper performance by his own community of their duties and especially for their payments to the proper authorities of tithe and tax and of dues in kind and labour. He was the judge to whom, if wayside arbitration failed, the litigants would first apply. He would be present at local weddings; would preside at meetings of the village council, and would be especially concerned with all transfers or allocations of land and disputes about it. He would see that orders from the higher authorities were proclaimed by a crier in the village.

According to an Ethiopian account he is 'the officer of the district, living upon the soil as one joined to it'.[1] He is the agent of the Emperor. 'He will be an Amhara and may accuse even the Governor. If a man touches or strikes him, he (i.e. the striker) will not pay compensation, but all his goods will be confiscated.'[2] Coulbeaux defines him as 'le maire de la commune . . . tuteur, père même'. He manages the affairs of the village like his own, and his patriarchal authority is sacred. He is generally the genealogical chief of the community, and calls the village council together under a tree.[3] Certainly these village chiefs, representing continuity of tradition and the sedentary agricultural life, were the stabilizing factor in a system in which changing governors, roving armies, and a distant Emperor played the more dramatic, but often the more superficial, parts. This especially struck Plowden. 'There is in each village', he wrote, 'one hereditary officer that cannot be displaced on any pretence; and it is this institution alone that preserves some appearance of order in the absence of all written documents, amidst the whirl of revolutions and the rapid succession of dynasties and gover-

[1] Walker, *op. cit.*, p. 42. [2] *Ibid.*, p. 184. [3] Coulbeaux, vol. 1, pp. 35–6.

11:Levine Z-4,5 (1958-1961)1965 MP5 Amhara MP5

necessary, to die on the battlefield, as did Galāwdēwos, Yohānnes IV, and others. He had to maintain a minimum of political order, balancing off contending ambitions and subduing rebellious elements. Another important function was that of ultimate arbiter in judicial disputes.* As guardian of the church, moreover, he was active in endowing monasteries and churches and in resolving doctrinal disputes among the clergy.

To carry out these and related functions the emperor needed great wealth and political power. When the monarchy was intact he could command wealth from many sources: from the country-wide land tax (*gĭber*), in the form of honey, grain, or livestock, or such special fiscal assignments as saddles, plowshares, spears, ink, or tent pegs;[9] from assessed tithes on produce; in tribute from subject peoples, either in currency (gold, salt bars, etc.) or in kind; in revenues from traders; and from gifts from new appointees and hopeful office seekers. In theory, moreover, all the land of the empire belonged to its ruler; and, in fact, a good part of it was at his direct disposal, either for cultivation as royal estates or to distribute as compensation to those who served him.

The political power of the emperor was grounded in his command of troops supported by the royal bounty. In addition, he could command the troops of all the lords subject to his authority. Through frequent tours around the country he was able to reassert his hegemony from time to time in distant regions. But even from afar, a strong monarch could usually exert great control thanks to his authority to appoint or demote at a moment's notice any officer of the realm. As Alvares observed:

> No great lord of lands, if he is in them, can leave them, or set out for the Court on any account without being summoned by the [emperor]; and being summoned he will not fail to come for any reason. And when he sets out from the land of which he is the lord, he does not leave either wife or children or any property there, because he goes away in the expectation of never returning, since . . . [the emperor] gives when he pleases, and takes away when he pleases.[10]

The ideology of sacred monarchy served to legitimate theoretically boundless demands for wealth and power as well as to provide identity and morale for the body politic. It justified, too, occasional "deviant" behavior on the part of the monarch, virtually the only person with sufficient authority to innovate in this intensely conservative culture. The emperor has always been a primary agent of cultural innovation in Abyssinia, from the time of Ēzānā, who adopted Christianity in the fourth century; to Zar'a Yā'qob in the fifteenth

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* To this day Haile Selassie devotes several hours a week to hearing court appeals in a session known as *chelot*.

11:Levine Z-4,5 (1958-1961)1965 MP5 Amhara MP5

who cultivated them being required to hand over a certain proportion of their produce every year.*

A man's "bigness," however, depended more on political authority than possession of land. It was often true in Abyssinia, as in feudal France, that the most powerful lords actually possessed relatively few estates. So long as they were not out of favor, the nobility typically were given appointments as provincial and regional governors in return for their loyalty and services.

The responsibilities of governors at all levels were diffuse. As with the emperor, combined in their persons were administrative, judicial, and ceremonial, as well as military, functions. They were obliged to collect the land tax and tithes of their subjects and transmit the proper amount to the king. They communicated imperial proclamations, announced by beating the *nagārit*, a large drum which symbolized the legitimacy of their authority. They had to judge cases of litigation that originated in their court or were appealed from lower levels. They were expected to keep disturbances caused by bandits in their area down to a reasonable minimum. They had to preside informally on the occasion of religious festivals and to provide large feasts for their followers, and occasionally for the beggars and indigents of the area.

The fact that political position was granted as a reward for military activity, like so many acres of land—or to the highest bidder, as Almeida complained[29]—suggests that the benefits of office outweighed its obligations. Indeed, public authority in Ethiopia was frankly regarded as a private possession by all concerned. The incumbent might change, but the office remained—not so much a set of obligations to fulfill in behalf of the king, or the state, let alone in behalf of the subjects—but a set of opportunities for personal aggrandizement.

The opportunities, both psychic and economic, were impressive. One was expected to avail himself of all the obsequious gestures which serve to swell the ego of an Abyssinian ruler. If so inclined, the governor could indulge his sadism ad libitum; sword, lash, and rope were, besides the *nagārit* and seal, the official insignia of a provincial ruler. He could order the peasants in his area to labor for him—to plow his lands or build his houses—as well as command them to military service. He could exact tribute from them without relief, in addition to appropriating for his family and retainers part of the

* Each land unit worked by a given tenant farmer, or *gabbār*, would be divided according to that proportion, in order to equalize the differences resulting from variation in such factors as the size of land units or the quality of soil. The proportion paid to the landlord varied with the location of the land; thus, one-half might be exacted for ordinary *dēgā* (high) land, while in certain *qolā* (low) areas only a tenth might be required, owing to the difficulties of heat, jungle, and wild beasts.